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09/757,046	01/08/2001	Daniel Frederick Gruhl	ARC9-2000-0128-US1	6388

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,046

Applicant(s)

GRUHL, DANIEL FREDERICK

Examiner

Hassan Phillips

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mishra, U.S. patent 6,345,315.

4. In considering claim 1, Mishra teaches a computer system comprising:

- a) a general purpose transmitting computer 20, the computer including logic for undertaking method acts to transfer data to a general purpose receiving computer 30, in communication with the transmitting computer, (see Fig.'s 1-9);

The method acts undertaken by the logic including:

- b) accessing at least one logical frame and generating a message 45, (col. 6, lines 46-54);
- c) the message including plural elements, (col. 7, lines 40-46);
- d) the message including a node element 42, representative of a respective node of the logical frame, and a leaf element 43, representative of a respective leaf of the logical frame, (col. 6, lines 39-44);
- e) each node element having an associated size value 54, indicating a number of leaves or nodes depending from the respective node, (col. 8, lines 6-9);
- f) each leaf element having an associated size value 46, indicating a size of a value in the respective leaf, (col. 9, lines 4-16).

5. In considering claim 2, Mishra further teaches a computer system wherein the method acts undertaken by the logic further include transferring the message from the transmitting computer to the receiving computer. See col. 9, lines 56-59.

6. In considering claim 3, Mishra further teaches each element including a name representative of the respective node. See col. 6, lines 46-47.

7. In considering claim 4, Mishra further teaches each element including a name size 46, preceding the name, the name size indicating a size of the associated name. See col. 9, lines 4-16. Also see Fig. 10.

8. In considering claim 5, the system of Mishra further provides a means for each element to include one of only two data types, node and leaf. See col. 7, lines 40-46.

9. In considering claim 6, it is inherent in the system taught by Mishra that the method acts undertaken by the logic can be executed in response to a remote procedure call over the Internet. See col. 5, lines 45-59.

10. In considering claim 7, it is inherent in the system taught by Mishra that the generating act undertaken by the logic is accomplished by a depth first traversal of the logical frame. See col. 6, lines 46-54.

11. In considering claim 8, Mishra further teaches each leaf element further including a value 44, representing a value of the associated leaf 43. See col. 6, lines 46-47.

12. In considering claim 9, Mishra teaches a computer-implemented data transfer protocol, comprising:

- a) traversing a logical frame and generating message elements 45, representing nodes 42, and leaves 43, in the logical frame, (col. 6, lines 46-54);
- b) each message element including at least one size value, (col. 8, lines 6-9);

Although not expressly stated, it is inherent that the protocol taught by Mishra provides a means for transmitting the message elements to affect at least one remote procedure call. See col. 5, lines 45-59.

13. In considering claim 10, Mishra further teaches:

- a) each element being either a node element 42, representative of a respective node of the logical frame, or a leaf element 43, representative of a respective leaf of the logical frame, (col. 6, lines 39-44)
- b) each node element having an associated size value 54, indicating a number of leaves or nodes depending from the respective node, (col. 8, lines 6-9);
- c) each leaf element having an associated size value 46, indicating a size of a value in the respective leaf, (col. 9, lines 4-16).

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14. In considering claim 11, Mishra further teaches each element including a name representative of the respective node. See col. 6, lines 46-47.

15. In considering claim 12, Mishra further teaches each element including a name size 46 preceding the name, the name size indicating a size of the associated name. See col. 9, lines 4-16. Also see Fig. 10.

16. In considering claim 13, the system of Mishra further provides a means for each element to include one of only two data types, node and leaf. See col. 7, lines 40-46.

17. In considering claim 14, it is inherent in the system taught by Mishra that the traversing act is accomplished by a depth first traversal of the logical frame. See col. 6, lines 46-54.

18. In considering claim 15, Mishra further teaches each leaf element further including a value 44, representing a value of the associated leaf 43. See col. 6, lines 46-47.

19. In considering claim 16, Mishra teaches a computer program device comprising:

- a) a program including instructions executable by a digital processing apparatus for performing method acts for transferring data representative of a logical frame structure over a wide area computer network, (col. 3, lines 59-67, col. 4 lines 1-12).

The program comprising:

- b) logic means for generating a platform independent message representing a logical frame, (col. 7, lines 17-22);
- c) logic means for generating a size of at least one characteristic of the logical frame, (col. 8, lines 6-9).

Although not expressly stated, it is inherent that the computer program device taught by Mishra comprises a computer program storage device readable by a digital processing apparatus.

20. In considering claim 17, Mishra further teaches:

- a) a logical frame including at least one node element 42, and at least one leaf element 43, (col. 6, lines 39-44);
- b) each node element having an associated size value 54, indicating a number of leaves or nodes depending from the respective node, (col. 8, lines 6-9);
- c) each leaf element having an associated size value 46, indicating a size of a value in the respective leaf, (col. 9, lines 4-16).

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21. In considering claim 18, it is inherent in the device taught by Mishra that the generating means undertakes a depth first traversal of the logical frame. See col. 6, lines 46-54.

22. In considering claim 19, Mishra further teaches a computer program device further comprising logic means for transferring the message from the transmitting computer to the receiving computer. See col. 9, lines 56-59.

23. In considering claim 20, Mishra further teaches:

- a) the message including at least one node element 42, representative of a respective node of the logical frame, and at least one leaf element 43, representative of a respective leaf of the logical frame, (col. 6, lines 39-44);
- b) each element including a name representative of the respective node.

See col. 6, lines 46-47.

24. In considering claim 21, Mishra further teaches each element including a name size 46, preceding the name, the name size indicating a size of the associated name. See col. 9, lines 4-16. Also see Fig. 10.

25. In considering claim 22, Mishra further teaches:

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- a) the message including at least one node element 42, representative of a respective node of the logical frame, and at least one leaf element 43, representative of a respective leaf of the logical frame, (col. 6, lines 39-44);
- b) a means for each element to include one of only two data types, node and leaf. See col. 7, lines 40-46.

26. In considering claim 23, Mishra further teaches:

- a) the message including at least one node element 42, representative of a respective node of the logical frame, and at least one leaf element 43, representative of a respective leaf of the logical frame, (col. 6, lines 39-44);
- b) each leaf element further including a value 44, representing a value of the associated leaf 43, (col. 6, lines 46-47).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishra, in view of Kurosawa, U.S. patent 6,298,346.

3. In considering claim 24, although Mishra teaches substantial features of the claimed invention, Mishra does not explicitly disclose:

- a) the message arranged to represent the logical frame, or tree, structure information.

Nevertheless, arranging data to represent tree structure information was well known in the art at the time of the present invention, and is exemplified by Kurosawa who teaches a method and apparatus for controlling the hierarchy of individuals in cooperative group activity, the method comprising:

- a) a path arranged to represent tree structure information, (col. 9, lines 7-13).

Given the teachings of Kurosawa, it would have been apparent to one of ordinary skill in the art to have the message arranged to represent tree structure information. Doing so would have provided a specific order for data collected from the traversal of the logical frame by the sending segue component, Mishra, col. 9, lines 44-50, and would have facilitated in converting the message from its physical frame back to a logical frame at the target segue component, Mishra, col. 9, lines 50-54, Kurosawa, col. 8, lines 58-67, col. 9, line 1.

4. In considering claim 25, although Mishra teaches substantial features of the claimed invention, Mishra does not explicitly disclose:

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- a) the message arranged to represent the logical frame, or tree, structure information.

Nevertheless, arranging data to represent tree structure information was well known in the art at the time of the present invention, and is exemplified by Kurosawa who teaches a method and apparatus for controlling the hierarchy of individuals in cooperative group activity, the method comprising:

- a) a path arranged to represent tree structure information, (col. 9, lines 7-13).

Given the teachings of Kurosawa, it would have been apparent to one of ordinary skill in the art to have the message arranged to represent tree structure information. Doing so would have provided a specific order for data collected from the traversal of the logical frame by the sending segue component, Mishra, col. 9, lines 44-50, and would have facilitated in converting the message from its physical frame back to a logical frame at the target segue component, Mishra, col. 9, lines 50-54, Kurosawa, col. 8, lines 58-67, col. 9, line 1.

5. In considering claim 26, although Mishra teaches substantial features of the claimed invention, Mishra does not explicitly disclose:

- a) the message arranged to represent the logical frame, or tree, structure information.

Nevertheless, arranging data to represent tree structure information was well known in the art at the time of the present invention, and is exemplified by Kurosawa

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who teaches a method and apparatus for controlling the hierarchy of individuals in cooperative group activity, the method comprising:

- a) a path arranged to represent tree structure information, (col. 9, lines 7-13).

Given the teachings of Kurosawa, it would have been apparent to one of ordinary skill in the art to have the message arranged to represent tree structure information. Doing so would have provided a specific order for data collected from the traversal of the logical frame by the sending segue component, Mishra, col. 9, lines 44-50, and would have facilitated in converting the message from its physical frame back to a logical frame at the target segue component, Mishra, col. 9, lines 50-54, Kurosawa, col. 8, lines 58-67, col. 9, line 1.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mishra, U.S. patent 6,345,315 discloses a method for platform independent communication between client and server pairs.

Kurosawa, U.S. patent 6,298,346 discloses a method and apparatus for controlling the hierarchy of individuals in cooperative group activity, the method comprising a path arranged to represent tree structure information.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP
3/18/04


FRANTZ B. JEAN
PATENT EXAMINER